

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Landry, et al.

Serial No.: 10/698,010

Filed: October 30, 2003

For: SPINAL STABILIZATION SYSTEMS AND
METHODS USING MINIMALLY INVASIVE
SURGICAL PROCEDURES

Attorney Docket No.: 5259-10700.US.02

Examiner: (not yet assigned)

Group Art Unit: 3738

Certificate of Mailing under 37 CFR §1.8(a):

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on:

Date of Deposit:

10/5/05
Kimberly A. Iorio *10/5/05*
Kimberly A. Iorio Date

INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following information is submitted, pursuant to 37 CFR §§1.97-1.98 in accordance with Applicant's duty of disclosure under 37 CFR §1.56. This submission is not intended to constitute an admission that any patent, publication or other information cited herein is "prior art" as to the invention claimed. In accordance with 37 CFR §§1.97(g)-(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that other material information as defined by 37 CFR §1.56(a) exists.

Applicants submit herewith Form PTO-1449 listing the references known to them. Applicants respectfully request that the Examiner (1) initial each reference listed on the enclosed Form PTO-1449 indicating that the Examiner has considered and made those references of record in this application and (2) return a copy of the initialed Form PTO-1449 to Applicants. Pursuant to 37 CFR 1.98(2), copies of U.S. patents and U.S. patent application publications are not provided. However, copies of all non-U.S. patent and U.S. patent application publication references are enclosed.

References US5647873, US6331179, US6183472, US5817094, US2001/001119, FR2796545, DE29810798, FR2729291, and EP1190678 were first cited in an International Search

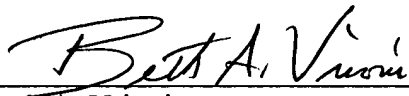
Report, dated March 31, 2004, issued in connection with counterpart PCT Application No. PCT/US03/34469. References FR2796545, DE29810798, and FR2729291 are not in the English language. If the Examiner requires a translation of these references, please contact the undersigned.

Applicants would also like to bring to the Examiner's attention related pending applications USSN 10/697,793, Landry, et al., filed October 30, 2003 and USSN 10/698,049, Landry, et al, filed October 30, 2003. Pursuant to 37 C.F.R. §1.98(2)(iii), copies of the above-listed pending application specifications, including the claims and drawings, are enclosed.

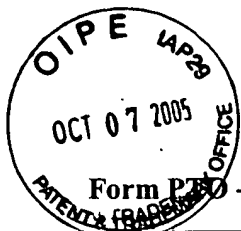
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits under 37 CFR §1.97(b). Accordingly, no charge is required.

Respectfully submitted,
Landry, et al.

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DATE: October 5, 2005

SHEET 1 of 1

Form PTO-1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE
(Modified) PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

5259-10700US02

SERIAL NO.

10/698,010

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICANT(S)

Michael E. Landry, et al.

FILING DATE

10/30/2003

GROUP

3738

(Use several sheets if necessary)

(37 CFR 1.98 (b))

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | PATENT NUMBER | ISSUE DATE | INVENTOR | CLASS | SUB CLASS | FILING DATE |
|---------------------|----|------------------|---------------|-----------------|-------|--------------|----------------|
| | A1 | US6530929 B1 | 03/11/2003 | Justis, et al. | | | |
| | A2 | US6599290 B2 | 07/29/2003 | Bailey, et al. | | | |
| | A3 | US6520907 B1 | 02/18/2003 | Foley, et al. | | | |
| | A4 | US5647873 A | 07/15/1997 | Ralph, et al. | | | |
| | A5 | US6331179 B1 | 12/18/2001 | Freid, et al. | | | |
| | A6 | US5817094 A | 10/06/1998 | Ralph, et al. | | | |
| | A7 | US2001/001119 A1 | 05/10/2001 | Lombardo, Alan | | | |
| | A8 | US6183472 B1 | 02/06/2001 | Lutz, Christian | | | |

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

| | | DOCUMENT NUMBER | PUBLIC-ATION DATE | COUNTRY OR PATENT OFFICE | CLASS | SUB CLASS | TRAN- SLATION YES NO |
|--|----|--------------------|----------------------|-----------------------------|-------|--------------|----------------------------|
| | B1 | FR2796545 A | 01/26/2001 | France | | | x |
| | B2 | FR27292391 A1 | 07/19/1996 | France | | | x |
| | B3 | DE29810798 U1 | 10/28/1999 | Germany | | | x |
| | B4 | EP0190678 B1 | 03/27/2002 | EPO | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

| | | |
|--|----|--|
| | C1 | Atavi Atraumatic Spine Fusion System, "Endoscopic Posterolateral Fusion," Endius Inc. (2001) |
| | C2 | Medtronic Sofamor DA, CD Horizon Rod Insertion System, as described by: Kevin T. Foley, M.D., Department of Neurosurgery University of Tennessee, Memphis, Tennessee, Medtronic Sofamor Danek (2002) |
| | C3 | Versalok™ Low Back Fixaiton System, Setting a New Standar for Low Back Fixation, Wright Medical Technology, Inc. (1996) |
| | | |
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO 1449)